IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5556 OF 2006

Shri Ramchandra Malu Shete (Deshmukh) ..Petitioner.
Vs.
Shri Suresh Wamanrao Bande (Rediz)
and others ..Respondents.

Mr.Prathmesh Bhasgude h/for Shri S.B.Deshmukh, advs. for the Petitioner.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 3, 2007.

P.C.:

1. Heard Mr.Bhasgude the learned counsel for the petitioner. None for the Respondents.

2. The petitioner is the original plaintiff. He had filed Regular Civil Suit No.106 of 1998 claiming certain property on the basis of a document executed in the year 1935. The dimensions of the property were given in paragraph 1(2) of the plaint based on the dimensions given in the said document of 1935. The plaintiff moved an application for amendment in the plaint whereby he wanted to delete the dimensions of the property given in paragraph 1 (2) of the plaint and wanted to substitute different dimensions for the original. He also tried to make certain other minor amendments. Application was opposed by the defendants. The trial Court rejected the application mainly on the

ground that the dimensions originally given in the plaint are based on the agreement executed in the year 1935 and those dimensions could not be changed, particularly when those dimensions appear to be not tallying with the actual dimensions. Taking into consideration the reasons given by the trial Court and the circumstances, I find no fault with the impugned order.

3. Petition stands dismissed summarily.

[J.H.BHATIA, J.]